



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, June 29, 2009

Commissioner David Lillard, Chairman
Commissioner Deidre Malone, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism

Commissioner George Flinn
Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Steve Mulroy
Commissioner Mike Ritz

5/26/2010 4:21 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Dr. James Latimer, Senior Pastor
Redeemer Evangelical Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Opening of the Commission

Invocation

Approval of Minutes of Previous Session

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. Resolution acknowledging “The World's Largest Garage Sale” scheduled to be held at the FedEx Forum parking garage in Memphis, Tennessee on June 27, 2009. Sponsored by Commissioner James Harvey, Sr. (DEFERRED TO 07/13/09)

Ordinances

FORD
Chairman,
General
Government
Committee

2. [ORDINANCE - FIRST READING - Ordinance by the Board of Commissioners of Shelby County, Tennessee, establishing policies and procedures as required by Charter Section 5.23 for maintaining the continuity of government in the event of a disaster. Sponsored by Commissioner Wyatt Bunker.](#)

CHISM
Chairman, Law
Enforcement
Committee

3. [ORDINANCE - FIRST READING - An Ordinance to amend Chapter 7, Article XI, of the Code of Ordinances of Shelby County, Tennessee, relative to security alarm services. Sponsored by Commission Sidney Chism. \(DEFERRED TO 7/13/09\)](#)

RITZ
Chairman,
Land Use
Committee

4. [ORDINANCE - SECOND READING - An Ordinance Amending Ordinance No. 344, Relative to the Method of Appealing an Adverse Decision of the Shelby County Adult-Oriented Establishment Registration Board. Sponsored by Commissioner Steve Mulroy](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

RITZ
Vice-Chairman,
Budget and
Finance
Committee

5. [Resolution to establish reasonable utilization standards and reporting requirements for all elected and appointed County officials for the purpose of monitoring expenditures with locally owned small businesses. Sponsored by Commissioner J.W. Gibson. \(DEFERRED TO 7/13/09\)](#)

RITZ
Vice-Chairman,
Budget and
Finance
Committee

6. [Resolution approving expenditure of funds in the amount of \\$833,269.55 to various vendors for perishable foods for various departments of Shelby County Government. This item requires expenditure of County General Funds in the amount of \\$833,269.55. Sponsored by Chairman Deidre Malone.](#)

RITZ
Vice-Chairman,
Budget and
Finance
Committee

7. [Resolution approving expenditure of funds in the amount of \\$229,774.00 to Turner Dairy for milk and dairy products for various departments of Shelby County Government. This item requires expenditure of County General Funds in the amount of \\$229,774.00. Sponsored by Chairman Deidre Malone.](#)

RITZ
Vice-Chairman,
Budget and
Finance
Committee

8. [Resolution approving the expenditure of funds in the amount of \\$312,841.00 to various vendors for bread and bakery products for various departments of Shelby County Government. This item requires expenditure of County General Funds in the amount of \\$312,841.00. Sponsored by Chairman Deidre Malone.](#)

BUNKER
Chairman,
Public Works

9. [Resolution Approving The Expenditure Of Funds By Shelby County Government To Metro Materials For Crushed Concrete In The Approximate Amount](#)

Of \$150,000.00 And This Item Requires The Expenditure Of State Gas Tax Funds In The Amount Of \$150,000.00 From July 1, 2009 Through June 30, 2010. Sponsored By Commissioner Wyatt Bunker.

10. Resolution approving a contract with Roy Holmes Construction in the amount of \$101,501.25 and \$10,150.00 for an extra work allowance for a total amount of \$111,651.25 for the installation of curb ramps compliant with Title II of the Americans with Disabilities Act and amending the FY 2008/2009 Capital Projects Budget and this item requires an expenditure of County CIP Funds in the amount of \$111,651.25. Sponsored by Commissioner Wyatt Bunker. (WITHDRAWN)

11. Resolution requesting the County Mayor's administration to restructure RFP #09-004-82 relative to construction of ADA compliant sidewalk ramps into multiple RFP'S for seperate projects so as to facilitate greater participation of locally owned small businesses, and to solicit new bids to effectuate same. Sponsored by Commissioner Sidney Chism. (ADD-ON IN COMMITTEE 06/24/09)

12. Resolution approving an amendment to the FY 2009/2010 Operating Budget of the Memphis Sexual Assault Resource Center (MSARC) program establishing the net general fund budget in the amount of \$478,577.00 and grant budgets in the total amount of \$268,690.00 for the provision of sexual assault victim services and an amendment establishing the FY 2009/2010 Position Control Budget and the appropriation of said funds. This item requires the expenditure of General Fund funds in the amount of \$478,577.00 and State Grant funds in the amount of \$268,690.00. Sponsored by Commissioner Joyce Avery.

13. Resolution amending the FY 2009 Operating Budget in the amount of \$13,968.00 and accepting

**Enforcement
Committee**

federal grant funds from the U.S. Department of Justice for the Bulletproof Vest Grant Program for the 2009 Federal Fiscal Year and this item requires expenditure of Federal Grant Funds in the amount of \$13,968.00. Sponsored by Commissioner Sidney Chism.

**CHISM
Chairman, Law
Enforcement
Committee**

14. Resolution to approve a contract with Cocaine Alcohol Awareness Program, Inc in the amount of \$250,000.00 for the provision of residential treatment services and appropriation of said funds. This item requires expenditures of pass through State of Tennessee Grant Funds in an amount not to exceed \$250,000.00. Sponsored by Commissioner Sidney Chism.

**CHISM
Chairman, Law
Enforcement
Committee**

15. Resolution to approve a contract with Serenity Recovery Centers in the amount of \$250,000.00 for the provision of residential treatment services and appropriation of said funds. This item requires expenditures of pass through State of Tennessee Grant Funds not to exceed \$250,000.00. Sponsored by Commissioner Sidney Chism.

**CHISM
Chairman, Law
Enforcement
Committee**

16. Resolution approving contract amendment between Shelby County Government, on behalf of the Juvenile Court of Memphis and Shelby County, and Softtec, Inc. in the amount not to exceed 20,400.00 for the provision of additional programming and software modification on the Juvenile Court Case Management System and appropriation of said funds. This item requires an expenditure of Federal thru State Grant Funds in the amount of \$20,400.00. This resolution is sponsored by Commissioner Sidney Chism. (AMENDED IN COMMITTEE 06/24/09)

**CHISM
Chairman, Law
Enforcement
Committee**

17. Resolution authorizing the Shelby County Government to approve a contract with the Department of Human Services, to accept and expend grant funds in the amount of \$244,920.00 for the provision of advocacy services to non-

custodial parents, to amend the FY 2009-2010 Operating Budget of the Juvenile Court of Memphis and Shelby County, to amend the position control budget and to appropriate said funds. This item requires an expenditure of State Department of Human Services funds in the amount of \$244,920.00. Sponsored by Commissioner Sidney Chism. (AMENDED IN COMMITTEE 06/24/09)

CHISM
Chairman, Law
Enforcement
Committee

18. Resolution authorizing the Shelby County Government to approve a contract with Department of Human Services, to accept and expend grant funds in the amount of \$1,473,891.00 for the provision of child support services, to amend the FY 2009-2010 Operating Budget of the Juvenile Court of Memphis and Shelby County, to amend the position control budget, and to appropriate said funds. This item requires an expenditure of State Department of Human Services Funds in the amount of \$1,473,891.00. Sponsored by Commissioner Sidney Chism. (AMENDED IN COMMITTEE 06/24/09)

CHISM
Chairman, Law
Enforcement
Committee

19. Resolution authorizing the Shelby County Government to approve a contract with the Department of Human Services, to accept and expend grant funds in the amount of \$310,464.00 for the purchase of on-base automated work flow and docketing processes, to amend the FY 2009-2010 Operating Budget of the Juvenile Court of Memphis and Shelby County, and to appropriate said funds. This item requires an expenditure of State Department of Human Services Funds in the amount of \$310,464.00. Sponsored by Commissioner Sidney Chism. (AMENDED IN COMMITTEE 06/24/09)

CHISM
Chairman, Law
Enforcement
Committee

20. Resolution approving a grant contract with the Tennessee Department of Human Services in the amount of \$596,466 for the service of process, amending the FY 2009-2010 Operating Budget of the Juvenile Court Clerk's Office so as to amend the Position Control Budget, and appropriating

said funds. This resolution requires the expenditure of \$596,466 from the Child Support Title IV-D Grant Fund and \$307,271 in a county match from the General Fund. Sponsored by Commissioner Sidney Chism.

CHISM
Chairman, Law
Enforcement
Committee

21. Resolution approving a contract in the amount of \$3,940,777.00 in which is a combination of previously approved contracts with the Military Department of Tennessee and the Tennessee Emergency Management Agency, to provide assistance to build and enhance capacity to prevent, to protect, respond to and recover from acts of terrorism and natural disasters and this item requires the expenditure of pass through grant funds under the U.S. Department of Homeland Security Grant Programs in the amount of \$3,940,777.00 sponsored by Commissioner Sidney Chism.

CHISM
Chairman, Law
Enforcement
Committee

22. Resolution amending the FY 2010 Operating Budget and Position Control Budget in the amount of \$160,000.00 for the Shelby County Office of Preparedness for the unexpended grant funds authorized for FY 2009 from the Interoperable Emergency Communications Grant Program (IECGP) in the amount of \$160,000.00, to appropriate said funds. This item requires the expenditure of pass through grant funds under the U.S. Department of Homeland Security Grant Programs in the amount of \$160,000.00. Sponsored by Commissioner Sidney Chism.

FLINN
Chairman,
Community
Services
Committee

23. Resolution amending the FY 2009 Operating Budget appropriating interest earned on proceeds of the Edward Byrne Memorial Justice Assistance Grant during the period of January 1, 2007 through April 30, 2009 in the amount of \$15,823.00 and previously unbudgeted federal grant funds in the amount of \$492.00. This item requires expenditures of interest funds in the amount of \$15,823.00 and federal grant funds in the amount of \$492.00. Sponsored by Commissioner George Flinn.

FORD
Chairman,
General
Government
Committee

24. Resolution declaring the intent of the Shelby County Board of Commissioners to donate the County's interest in the Mid-South Coliseum Arena and the Liberty Bowl real property to the City of Memphis without monetary consideration; requesting the County Mayor's administration seek to facilitate said donation; and authorizing the County Mayor to execute quit claim deeds and other necessary documents. Sponsored by Commissioner Mike Ritz. (DEFERRED TO 07/13/09)

KUHN
Chairman,
Delinquent Tax
Property
Committee

25. Resolution approving the sale of five (5) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0105, 0205, 0206, 0403, and 0404, to identified purchasers at various prices collectively totaling \$24,900.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Matt Kuhn.

KUHN
Chairman,
Delinquent Tax
Property
Committee

26. Resolution approving the sale of six (6) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0204, 0306, 0403, 0404, and 0405, to identified purchasers at various prices collectively totaling \$66,500.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Matt Kuhn.

KUHN
Chairman,
Delinquent Tax
Property
Committee

27. Resolution approving the sale of two (2) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0007 and 097.4, to identified purchasers at various prices collectively totaling \$2,600.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Matt Kuhn. (AMENDED IN COMMITTEE 06/24/09)

REGULAR AGENDA

Elections, Appointments, and Confirmations

Ordinances

BUNKER
Chairman,
Public Works
Committee

28. [ORDINANCE - FIRST READING - An ordinance to amend the Shelby County Code of Ordinances by adding a new Article VII, entitled "Storm Water Fund" to Chapter 30, "Storm Water Management and Pollution Control." Sponsored by Commissioner Sidney Chism. \(SENT FROM COMMITTEE WITHOUT RECOMMENDATION\)](#)

RITZ
Vice-Chairman,
Budget and
Finance
Committee

29. [ORDINANCE - SECOND READING - Ordinance fixing the tax rate for Shelby County for the year 2009. Sponsored by Commissioner J. W. Gibson.](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

30. [Resolution amending the FY 2010 operating budget to carry forward funds in the amount of \\$65,000 from the FY 2009 Commissioners Contingency funds budget to the FY 2010 Commission Office operating budget for audio video equipment expenses for the commission chamber and committee room. Sponsored by Chairman Deidre Malone.](#)

RITZ
Vice-Chairman,
Budget and
Finance

31. [Resolution establishing the 2009 certified tax rate for Shelby County. Sponsored by Commissioner J. W. Gibson. \(AMENDED IN COMMITTEE 06/24/09\)](#)

Committee

CHISM
Chairman, Law
Enforcement
Committee

32. [Resolution Approving Contract With ARAMARK Correctional Services, LLC In The Amount Not To Exceed \\$4,704,614.00 For The Management And Provision Of Food Services For The Division Of Corrections, Amending The FY10 Corrections Fund Budget, And Appropriating Said Funds. This Item Requires Expenditure Of Corrections Funds In The Amount Of \\$4,704,614.00. Sponsored By Commissioner Sidney Chism. \(FAILED\)](#)

BROOKS
Chairman,
Education
Committee

33. [Resolution by the Board of Commissioners of Shelby County, Tennessee approving proposed legislation to amend Tennessee Code Annotated, Title 49, Chapter 3, Part _____, relative to education finance to establish a single source of local school funding in any county where there is more than one LEA, one of which is a Special School District whose boundaries are coterminous with the City's boundaries, and authorizing the establishment of an education trust fund. Sponsored by Chairman Deidre Malone.](#)

FLINN
Chairman,
Community
Services
Committee

34. [A resolution approving a collaborative agreement in the amount of \\$1,800,000.00 with Memphis City Schools for the provision of Head Start Services. This item requires the expenditure of Federal Grant Funds in the amount of \\$1,800,000.00. Sponsored by Commissioner George Flinn. \(AMENDED IN COMMITTEE 06/24/09\)](#)
35. [Resolution to amend the FY 2010 Operating Budget and appropriate grant funds from the U. S. Department of Health and Human Services for the 2009 Ryan White Comprehensive AIDS Resources Emergency Act HIV Relief Grant Program and Minority AIDS Initiative in the amount of \\$6,530,390.00. This item requires expenditure of grant funds in the amount of \\$6,530,390.00. Sponsored by Commissioner George Flinn.](#)

**FORD
Chairman,
General
Government
Committee**

36. [Resolution approving the Shelby County Compensation Policy for Fiscal Year 2009-2010. Sponsored by Commissioner Joe Ford.](#)
37. [Resolution authorizing healthcare premium increase for active employees effective July 1, 2009. Sponsored by Commissioner Joe Ford.](#)
- a) [Resolution amending the "Resolution approving a complaint against mortgage lending institutions who have participated in unlawful, irresponsible, unfair, deceptive, and discriminatory lending practices as required by a resolution adopted as Item No. 25 on December 22, 2008; and authorizing the county mayor to engage outside counsel on a contingency fee basis, to engage a non-profit organization that provides legal services, and to provide in-kind services to, and pay a portion of the reasonable fees, costs and expenses incurred by said non-profit organization if necessary" adopted as Item No. 35 on May 11, 2009. Sponsored by Commissioner Mike Ritz.](#)

Announcements/Statements

38. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of Lawrence Jensen, Julie Raines, Carol Jones, Kevin Kane, Johnnie Turner, David Peck, and Representative Larry Miller for joint City-County reappointment to the new Memphis Arena Public Building Authority of Memphis and Shelby County, Tennessee. Sponsored by Commissioner Joe Ford. b) Resolution approving the County Mayor's nomination of Pete Aviotti, William Orgel, and Diane Cox for joint City-County reappointment to the new Memphis Arena Public Building Authority of Memphis and Shelby County, Tennessee.

Sponsored by Commissioner Joe Ford.

Adjournment

39. [Resolution of adjournment to Monday, July 13, 2009 at 1:30 p.m.](#)